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C O N F I D E N T I A L  
V O L U M E 1  
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Northern Division)  
IN THE MATTER OF \*  
THE COMPLAINT OF \* ORIGINAL  
ETERNITY SHIPPING, LTD. AND \* Civil Action No.  
EUROCARRIERS, S.A. \* L01CV0250  
FOR EXONERATION FROM OR \*  
LIMITATION OF LIABILITY \* CONFIDENTIAL

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Deposition of KEVIN HISLOP  
Baltimore, Maryland  
Monday, August 9, 2004  
10:06 a.m.

Job No.: 1-39302  
Pages: 1 - 238  
Reported By: Dawn M. Hart, Notary Public, RPR/RMR

1           A     It's common sense. Common sense, fiber is  
2 weaker than a wire. I mean what -- can I just refer  
3 to this for a moment?

4                     (Retrieving.)

5                     Breaking load, 44 tons.

6           Q     Well, what does that mean?

7           A     Well, the wire was put under test I  
8 understand and it broke at considerably lower than  
9 44 tons; is that not correct?

10          Q     You mean -- are you talking about the  
11 destructive testing that was done by the Coast Guard?

12          A     Yes, yes.

13          Q     Anything else that you can add to that?

14          A     Only what is described in -- may I -- yes,  
15 some of the research.

16                     (Reviewing.)

17          Q     Let me move on. We're going to go through  
18 your report anyway, sir.

19          A     Okay.

20          Q     This particular crane was rated for 20 tons;  
21 is that correct?

22          A     At the time of manufacture in 1971, or at

1 the time of testing?

2 Q The LEON 1 cranes, at the time of the  
3 retrofit.

4 A Okay. The LEON 1 cranes that were taken  
5 from the YANNIS K, they were constructed in 1971, were  
6 D rated, downrated to 20 tons --

7 Q Correct.

8 A -- from 25.

9 Q And in fact, when the Coast Guard directed  
10 that the destructive testing of the cranes be  
11 performed, what was the conclusion from that  
12 destructive testing?

13 MR. ASPERGER: Destructive testing of the  
14 cranes?

15 Q I'm sorry, the wire rope.

16 A Excuse me.

17 Q Go ahead.

18 A (Reviewing.)

19 The safe working load of a crane and the  
20 strength of the wires are not really related because  
21 in this instance, I mean there was no load on the  
22 crane when it failed. Two men in a basket doesn't

1 A I spoke to a gentleman at Lloyd's Register.

2 Q What's his name?

3 A Nick Tinsley.

4 Q And what is his position at Lloyd's?

5 A Senior surveyor in the Miami office of  
6 Lloyd's Register.

7 Q Any other surveyors?

8 A Oh, there's a guy at DMV, but I cannot  
9 recollect, I can't remember his name because he's  
10 Norwegian, he's got an unusual name, Norwegian, but I  
11 can possibly get it.

12 Q What was the sum and substance of your  
13 discussion with Mr. Tinsley?

14 A I described the fact that these cranes were  
15 taken off a scrapped vessel, and he shared my opinion  
16 that when you take a scrapped vessel, the entire  
17 vessel is considered as scrap and it's -- a prudent  
18 shipowner wouldn't just take the cranes from a scrap  
19 vessel and put them onto another vessel without doing  
20 some significant overhauling because they're deemed as  
21 scrap. And he shared my opinion that -- and so many  
22 others have -- that a prudent shipowner/ship operator

1 BY MR. CLYNE:

2 Q Mr. Hislop, I'd like to turn to your report  
3 now, and in particular Opinion No. 1. Is it a fair  
4 summary of Opinion No. 1 that you believe that there  
5 were material defects on the wire rope that failed at  
6 the time of the survey in China in 1999?

7 A Yes.

8 Q Is it -- okay.

9 A Yes.

10 Q And is it also fair to say that these  
11 defects were not adequately addressed at the time of  
12 the survey?

13 A No, no, no, no, that's -- these defects were  
14 not established because of the type of survey and the  
15 specifications carried out. ABS doesn't call for  
16 internal examination, but every -- nearly every other  
17 wire inspection authority does. And perhaps if ABS  
18 included an internal examination of their wires, then  
19 we wouldn't be sitting here today and these two  
20 gentlemen would be alive.

21 Q Are you saying that if an internal  
22 examination was done, the wire ropes would have been

1 the recognized and correct procedures, does it also  
2 include the ABS procedures?

3 A Well, no, no, I would say not, because the  
4 ABS procedures are lacking. If he had internally  
5 examined -- sorry, if the wire rope for luffing -- the  
6 luffing wire rope for Crane No. 4 had been internally  
7 examined, there might have been damage detected.

8 Q Might have been.

9 A There might have been. But certainly it  
10 would have been detected it had a fiber core that was  
11 unsuitable for use on that crane as per the  
12 recommendations. So it was -- it would have found the  
13 wire, the core and said, this is not suitable because  
14 there's only one, only one.

15 Q The casualty did not occur because the wire  
16 rope had a fiber core, did it, sir?

17 A Yes, it could have been a contributory  
18 factor.

19 Q How so?

20 A Because it's not recommended by the  
21 manufacturer.

22 Q It's not recommended?

1           A       Not recommended by the manufacturer's  
2 specification of wire rope, luffing wire rope.

3           Q       Sir, I'm asking you to go a little further  
4 and tell me --

5           A       Sorry.

6           Q       -- how I'm going to take -- I'm going to  
7 accept what you say, that it's not recommended by the  
8 manufacturer. Now I'm going to ask you how, based on  
9 your experience and with your technical proficiency, I  
10 want to know how the fact that the wire rope had a  
11 fiber core contributed to the casualty.

12          A       Can I answer that question by quoting once  
13 again the U.S. Coast Guard April 2001 --

14          Q       If that's what you relied on.

15          A       No, no, I don't rely on it. I'm just going  
16 to quote this before I answer the question.

17                 In comparison to the crane manufacturer's  
18 recommendations, the diameter of the rope -- referring  
19 to Crane No. 4 luffing wire -- was two to three  
20 millimeters too large. And in lieu of a fiber core,  
21 the rope should have had an independent wire rope  
22 core. The fact that a larger diameter wire rope was

1 MR. CLYNE: I know, and he's given me an  
2 answer. I accept the answer. Now I'm trying to find  
3 out whether it relates to the casualty or not.

4 A It doesn't relate to the casualty.

5 Q Let's move on. What's the next thing you  
6 disagree with?

7 A Okay. Okay, the whole conversion project  
8 was executed under constant survey. How does he know  
9 that the owner's technical representatives, two  
10 superintendents, Mr. Graham were there constantly.

11 Q You're questioning that?

12 A Yes. How does he know that? You asked me  
13 if I disagreed with that, if I had an opinion as to  
14 his opinions.

15 Okay. Moving on, Operation of Cranes,  
16 Opinion 2. The fact that the YANNIS K and LEON 1 are  
17 different in arrangement, construction, dimensions is  
18 immaterial. I disagree with that. If the YANNIS K  
19 and the LEON 1, in my opinion, if they were sister  
20 ships we would not be sitting here today.

21 Q Why is that?

22 A Because then the, it would have been

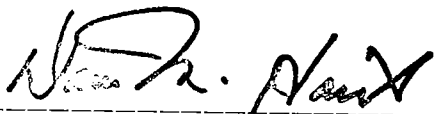
CERTIFICATE OF SHORTHAND REPORTER/NOTARY PUBLIC

I, Dawn M. Hart, Registered Professional Reporter, the officer before whom the foregoing proceedings were taken, do hereby certify that the foregoing transcript is a true and correct record of the proceedings; that said proceedings were taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 21st day of August 2004.

My Commission Expires:

January 1, 2005



NOTARY PUBLIC IN AND FOR THE  
STATE OF MARYLAND